

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.653 OF 2021

1. Ashvini D/o. Chandrakant Saindane
Age : 29 years, Occu : Student

2. Rupali d/o Vasant Saindane
Age : 29 years, Occu : Student

Both R/o. A/p. Nanded,
Tal. Dharangaon, Dist. Jalgaon

.. Petitioners

Versus

1. The State of Maharashtra

2. The Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Division, Nandurbar
Through its Member Secretary

.. Respondents

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Advocate for the Petitioners : Mr Sushant C. Yeramwar
AGP for the Respondents / State : Mr A.R. Kale

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 09-08-2021

ORAL JUDGMENT (Per: S. V. GANGAPURWALA, J.) : -

1. Rule. Rule made returnable forthwith. With the consent of the parties, the matter is taken up for hearing.

2. The caste claim of the petitioners as Tokare Koli – Scheduled Tribe was referred to the Respondent / Scrutiny Committee

for verification. The Committee has dismissed the proposal. Aggrieved thereby, the present writ petition.

3. Mr Yeramwar, learned Advocate for the petitioners submits that, the petitioners had given an application to close the file and cancel the caste certificates issued to the petitioners. The petitioners have not taken benefit of the reservation. However, the Committee decided the proceedings on merits. The petitioners were not given opportunity of putting forth their case. The Committee ought to have accepted the application of the petitioners for closing the matter and for cancelling the caste certificates and if the Committee was of the view that, the request of the petitioners for cancelling the caste certificates is to be rejected, then opportunity ought to have been granted to contest the matter on merits.

4. The learned AGP submits that, the caste certificates are obtained by the petitioners and the same were sent for verification. The Committee was within its powers to consider the matter on merits. The notice was issued to the petitioners. It was for the petitioners to avail the opportunity.

5. We have considered the submissions.

6. It is not disputed that, the claim of the petitioners was pending for a long time. The petitioners on or about 07-02-2020 had given an application that the petitioners have not taken benefit of reservation and the file may be closed and the certificates may be returned to them. The Committee thereafter proceeded further to decide the matter on merits. It appears that, the petitioners had not argued the matter before the Committee.

7. The Committee ought to have decided the application of the petitioners of not proceeding further in the matter and if the Committee was of the opinion that the caste certificates now are required to be verified, should have proceeded after giving appropriate opportunity to the petitioners.

8. In light of the fact that the petitioners were not given opportunity, we pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) The parties are relegated before the Respondent / Committee.

(iii) The petitioners shall appear before the Scrutiny Committee on 28-09-2021 and put forth their stand.

(iv) The Committee may decide the application of the petitioners dated 07-02-2020 on its own merits. If the Committee is of the opinion that, the matter is required to be decided on merits, then appropriate opportunity be given to the petitioners.

9. With the aforesaid observations, Writ Petition is partly allowed. Rule made accordingly partly absolute. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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